

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

PAMELA TOLLAS, also known as
PAMELA GUDOWSKI,

Plaintiff,

v.

EXPERIAN INFORMATION SOLUTIONS, INC.,
TRANSUNION, LLC, EQUIFAX INFORMATION
SERVICES, LLC, RISE CREDIT SERVICE,
REGIONAL ACCEPTANCE CORPORATION,
CAPITAL ONE AUTO FINANCE, INC., and
ACCELERATED FINANCIAL SOLUTIONS, LLC,

Defendants.

OPINION and ORDER

20-cv-427-jdp

Plaintiff Pamela Tollas, also known as Pamela Gudowski, brings this lawsuit concerning four separate debts held by defendant creditors RISE Credit Service, Regional Acceptance Corporation, Capital One Auto Finance, Inc., and Accelerated Financial Solutions, LLC. Dkt. 1. Tollas disputed the accuracy of how these debts were reflected in credit reports issued by defendant credit bureaus Experian Information Solutions, Inc., TransUnion, LLC, and Equifax Information Services, LLC. She says that the credit bureau defendants violated the Fair Credit Reporting Act (FCRA) by including inaccurate information in her credit reports, even after she disputed that information. She also says that the creditor defendants violated the FCRA by failing to adequately investigate and correct the inaccuracies in the information they provided to the credit bureau defendants. And she brings a claim against Accelerated Financial under the Fair Debt Collections Practices Act (FDCPA), contending that it violated the FDCPA by continuing to give inaccurate information to the credit bureau defendants after receiving notice of her dispute.

The problem with Tollas's complaint is that her claims do not arise out of the same transaction or occurrence as required by Federal Rule of Civil Procedure 20. Rather, they arise out of four separate debts, each involving a different set of defendants. So under Rule 20, they must be brought in four separate lawsuits, as "[u]nrelated claims against different defendants belong in different suits." *George v. Smith*, 507 F.3d 605, 607 (7th Cir. 2007). The separate lawsuits described in Tollas's complaint include:

- One against Experian, TransUnion, Equifax, and Accelerated Financial regarding a debt held by Accelerated Financial. *See* Dkt. 1, ¶¶ 23–33.
- One against TransUnion and RISE regarding a debt held by RISE. *See id.*, ¶¶ 34–46.
- One against TransUnion and Regional Acceptance regarding a debt held by Regional Acceptance. *See id.*, ¶¶ 47–59.
- One against Equifax and Capital One Auto regarding a debt held by Capital One Auto. *See id.*, ¶¶ 60–71.

Although no defendant has yet raised the issue of misjoinder, Federal Rule of Civil Procedure 21 gives the court the power to address misjoinder on its own by dropping parties or severing claims. The court will give Tollas a short time to choose which of these four lawsuits she wishes to pursue under this case number. Once Tollas has done so, the court will dismiss all claims that are not part of the lawsuit that Tollas has chosen, without prejudice to Tollas's bringing them in separate lawsuits in the future. Tollas does not need to file an amended complaint; a letter to the court stating which lawsuit she wishes to pursue will suffice.

Finally, a word of warning. Tollas failed to respond to two requests from the court to submit proof of service on Accelerated Financial, providing such proof only after the court's third request. And Tollas failed to submit a brief in opposition to RISE's motion to compel

arbitration even after the court granted her request for an extension to file her brief, Dkt. 36.¹ If Tollas fails to respond to this order by the deadline set below, the court will dismiss this case for her failure to prosecute it.

ORDER

IT IS ORDERED that plaintiff Pamela Tollas, also known as Pamela Gudowski, may have until August 25, 2020, to tell the court which of the four lawsuits contained in her complaint she wishes to pursue under this case number.

Entered August 11, 2020.

BY THE COURT:

/s/

JAMES D. PETERSON
District Judge

¹ The court will address RISE's motion after Tollas chooses which lawsuit she wishes to pursue under this case number.